

adopted by the Committee of the Whole? If not, the question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

AMENDMENT OFFERED BY MR. DUNCAN

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that the further amendment I have placed at the desk be considered as adopted.

The Clerk read as follows:

Amendment offered by Mr. DUNCAN:

On page 121, line 5, strike the sentence that begins with "In carrying out" and all that follows through line 6.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

Mr. OBERSTAR. Mr. Speaker, reserving the right to object, I reserve the right to object for the purpose of establishing the concurrence of the gentleman from Tennessee (Mr. DUNCAN) that the unanimous consent request to strike the language referred to in the gentleman's amendment does not create legislative history on the subject and is not indicative of legislative intent; and, further, any prior or subsequent discussion of this provision does not constitute legislative intent.

Mr. DUNCAN. Mr. Speaker, will the gentleman yield?

Mr. OBERSTAR. I yield to the gentleman from Tennessee.

Mr. DUNCAN. Mr. Speaker, I agree with the statement by the ranking member, the gentleman from Minnesota (Mr. OBERSTAR).

Mr. OBERSTAR. Mr. Speaker, I withdraw my reservation.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection. Accordingly, the further amendment was adopted.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. DUNCAN. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 412, noes 8, not voting 14, as follows:

[Roll No. 519]

AYES—412

Abercrombie	Ballenger	Biggart
Ackerman	Barrett (SC)	Bilirakis
Aderholt	Bartlett (MD)	Bishop (GA)
Akin	Barton (TX)	Bishop (NY)
Alexander	Bass	Blackburn
Allen	Beauprez	Blumenauer
Baca	Becerra	Blunt
Bachus	Bell	Boehlert
Baird	Bereuter	Boehner
Baker	Berkley	Bonilla
Baldwin	Berman	Bonner
Ballance	Berry	Bono

Boozman	Gerlach	Maloney
Boswell	Gilchrest	Manzullo
Boucher	Gillmor	Markey
Boyd	Gingrey	Marshall
Bradley (NH)	Gonzalez	Matheson
Brady (PA)	Goode	Matsui
Brady (TX)	Goodlatte	McCarthy (MO)
Brown (OH)	Gordon	McCarthy (NY)
Brown (SC)	Goss	McCollum
Brown, Corrine	Granger	McCotter
Brown-Waite,	Graves	McCrery
Ginny	Green (TX)	McDermott
Burgess	Green (WI)	McGovern
Burns	Greenwood	McHugh
Burr	Grijalva	McInnis
Burton (IN)	Gutierrez	McIntyre
Buyer	Gutknecht	McKeon
Calvert	Hall	McNulty
Camp	Harman	Meehan
Cannon	Hart	Meek (FL)
Cantor	Hastings (FL)	Meeks (NY)
Capito	Hastings (WA)	Menendez
Capps	Hayes	Mica
Capuano	Hayworth	Michaud
Cardin	Hefley	Millender-
Cardoza	Hensarling	McDonald
Carson (IN)	Herger	Miller (FL)
Carson (OK)	Hill	Miller (MI)
Carter	Hinchee	Miller (NC)
Case	Hinojosa	Miller, Gary
Castle	Hobson	Miller, George
Chabot	Hoeffel	Mollohan
Chocola	Hoekstra	Moore
Clay	Holden	Moran (KS)
Clyburn	Holt	Moran (VA)
Coble	Honda	Murphy
Cole	Hooey (OR)	Musgrave
Collins	Houghton	Myrick
Conyers	Hoyer	Nadler
Cooper	Hulshof	Napolitano
Costello	Hunter	Neal (MA)
Cox	Hyde	Nethercutt
Cramer	Inslee	Neugebauer
Crane	Isakson	Ney
Crenshaw	Israel	Northup
Crowley	Issa	Norwood
Cubin	Istook	Nunes
Culberson	Jackson (IL)	Nussle
Cummings	Jackson-Lee	Oberstar
Cunningham	(TX)	Obey
Davis (AL)	Janklow	Olver
Davis (CA)	Jefferson	Ortiz
Davis (IL)	Jenkins	Ose
Davis (TN)	John	Otter
Davis, Jo Ann	Johnson (CT)	Owens
Davis, Tom	Johnson (IL)	Oxley
Deal (GA)	Johnson, E. B.	Pallone
DeFazio	Johnson, Sam	Pascarell
DeGette	Jones (NC)	Payne
Delahunt	Jones (OH)	Pearce
DeLauro	Kanjorski	Pelosi
DeLay	Kaptur	Pence
DeMint	Keller	Peterson (MN)
Deutsch	Kelly	Peterson (PA)
Diaz-Balart, L.	Kennedy (MN)	Petri
Diaz-Balart, M.	Kennedy (RI)	Pickering
Dicks	Kildee	Pitts
Dingell	Kilpatrick	Platts
Doggett	Kind	Pombo
Dooley (CA)	King (IA)	Pomeroy
Doolittle	King (NY)	Porter
Doyle	Kingston	Portman
Dreier	Kirk	Price (NC)
Duncan	Klecza	Pryce (OH)
Dunn	Kline	Putnam
Edwards	Kolbe	Quinn
Ehlers	Kucinich	Radanovich
Emanuel	LaHood	Rahall
Emerson	Lampson	Ramstad
Engel	Langevin	Rangel
English	Lantos	Regula
Eshoo	Larsen (WA)	Rehberg
Etheridge	Larson (CT)	Renzi
Evans	Latham	Reynolds
Everett	LaTourrette	Rogers (AL)
Farr	Leach	Rogers (KY)
Feeney	Lee	Rogers (MI)
Ferguson	Levin	Rohrabacher
Filner	Lewis (CA)	Ros-Lehtinen
Fletcher	Lewis (KY)	Ross
Foley	Linder	Rothman
Forbes	Lipinski	Roybal-Allard
Ford	LoBiondo	Royce
Fossella	Lofgren	Ruppersberger
Frank (MA)	Lowe	Rush
Frelinghuysen	Lucas (KY)	Ryan (OH)
Frost	Lucas (OK)	Ryan (WI)
Gallegly	Lynch	Ryun (KS)
Garrett (NJ)	Majette	Sabo

Sanchez, Linda	Solis	Upton
T.	Souder	Van Hollen
Sanchez, Loretta	Spratt	Velazquez
Sanders	Stark	Visclosky
Sandlin	Stenholm	Vitter
Saxton	Strickland	Walden (OR)
Schakowsky	Stupak	Walsh
Schiff	Sullivan	Wamp
Schrock	Sweeney	Waters
Scott (GA)	Tanner	Watson
Scott (VA)	Tauscher	Watt
Serrano	Tauzin	Waxman
Sessions	Taylor (MS)	Weiner
Shaw	Taylor (NC)	Weldon (FL)
Shays	Terry	Weldon (PA)
Sherman	Thomas	Weller
Sherwood	Thompson (CA)	Wexler
Shimkus	Thompson (MS)	Whitfield
Shuster	Thornberry	Wicker
Simmons	Tiahrt	Wilson (NM)
Simpson	Tiberi	Wilson (SC)
Skelton	Tierney	Wolf
Slaughter	Toomey	Woolsey
Smith (MI)	Towns	Wu
Smith (NJ)	Turner (OH)	Wynn
Smith (TX)	Turner (TX)	Young (AK)
Smith (WA)	Udall (CO)	Young (FL)
Snyder	Udall (NM)	

NOES—8

Andrews	Hostettler	Shadegg
Flake	Paul	Stearns
Franks (AZ)	Sensenbrenner	

NOT VOTING—14

Bishop (UT)	Harris	Pastor
Davis (FL)	Knollenberg	Reyes
Fattah	Lewis (GA)	Rodriguez
Gephardt	Murtha	Tancredo
Gibbons	Osborne	

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. OSE) (during the vote). Members are advised there are 2 minutes remaining in this vote.

□ 1834

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. GIBBONS. Mr. Speaker, on rollcall No. 519 I was inadvertently detained. Had I been present, I would have voted "aye."

GENERAL LEAVE

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill, H.R. 2557.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed with an amendment a bill of the House of the following title:

H.R. 2660. An act making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes.

The message also announced that the Senate insist upon its amendment to the bill (H.R. 2660) "An Act making appropriations for the Department of

Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon; and appoints Mr. SPECTER, Mr. COCHRAN, Mr. GREGG, Mr. CRAIG, Mrs. HUTCHISON, Mr. STEVENS, Mr. DEWINE, Mr. SHELBY, Mr. DOMENICI, Mr. HARKIN, Mr. HOLLINGS, Mr. INOUE, Mr. REID, Mr. KOHL, Mrs. MURRAY, Ms. LANDRIEU, and Mr. BYRD, to be the conferees on the part of the Senate.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2555) "An Act making appropriations for the Department of Homeland Security for the fiscal year ending September 30, 2004, and for other purposes."

#### REPORT ON RESOLUTION PROVIDING FOR RECOMMITTAL OF CONFERENCE REPORT ON H.R. 2115, FLIGHT 100—CENTURY OF AVIATION REAUTHORIZATION ACT

Mr. LINCOLN DIAZ-BALART of Florida, from the Committee on Rules, submitted a privileged report (Rept. No. 108-284) on the resolution (H. Res. 377) providing for the recommitment of the conference report to accompany the bill (H.R. 2115) to amend title 49, United States Code, to reauthorize programs for the Federal Aviation Administration, and for other purposes, which was referred to the House Calendar and ordered to be printed.

#### APPOINTMENT OF CONFEREES ON H.R. 2754, ENERGY AND WATER DEVELOPMENT APPROPRIATIONS ACT, 2004

Mr. WAMP. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 2754) making appropriations for energy and water development for the fiscal year ending September 30, 2004, and for other purposes, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee? The Chair hears none and, without objection, appoints the following conferees: Messrs. HOBSON, FRELINGHUYSEN, LATHAM, WAMP, Mrs. EMERSON, Messrs. DOOLITTLE, PETERSON of Pennsylvania, SIMPSON, YOUNG of Florida, VISCLOSKEY, EDWARDS, PASTOR, CLYBURN, BERRY, and OBEY.

There was no objection.

#### ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 1, MEDICARE PRESCRIPTION DRUG AND MODERNIZATION ACT OF 2003

Mr. SANDLIN. Mr. Speaker, subject to rule XXII, clause 7(c), I hereby announce my intention to offer a motion to instruct on H.R. 1, the Medicare Prescription Drug and Modernization Act of 2003.

The form of the motion is as follows:

Mr. SANDLIN of Texas moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the Senate amendment to the bill H.R. 1 be instructed as follows:

(1) The House recede to the Senate on the provisions to guarantee access to prescription drug coverage under section 1860D-13(e) of the Social Security Act, as added by section 101(a) of the Senate amendment.

(2) To reject the provisions of section 501 of the House bill.

(3) The House recede to the Senate on the following provisions of the Senate amendment to improve rural health care:

(A) Section 403 (relating to inpatient hospital adjustment for low volume hospitals).

(B) Section 404 (relating to medicare disproportionate share adjustment for rural areas), but with the effective date applicable under section 401(b) of the House bill.

(C) Section 404A (relating to MedPAC report on medicare disproportionate share hospital adjustment payments).

(D) The following provisions of section 405 (relating to critical access hospital improvements):

(i) Subsection (a), but with the effective date applicable under section 405(f)(4) of the House bill.

(ii) Subsection (b), but with the effective date applicable under section 405(c)(2) of the House bill.

(iii) Subsections (e), (f), and (g).

(E) Section 414 (relating to rural community hospital demonstration program).

(F) Section 415 (relating to critical access hospital improvement demonstration program).

(G) Section 417 (relating to treatment of certain entities for purposes of payment under the medicare program).

(H) Section 420 (relating to conforming changes relating to Federally qualified health centers).

(I) Section 420A (relating to increase for hospitals with disproportionate indigent care revenues).

(J) Section 421 (relating to establishment of floor on geographic adjustments of payments for physicians' services).

(K) Section 425 (relating to temporary increase for ground ambulance services), but with the effective date applicable under the amendment made by section 410(2) of the House bill.

(L) Section 426 (relating to appropriate coverage of air ambulance services under ambulance fee schedule).

(M) Section 427 (relating to treatment of certain clinical diagnostic laboratory tests furnished by a sole community hospital).

(N) Section 428 (relating to improvement in rural health clinic reimbursement).

(O) Section 444 (relating to GAO study of geographic differences in payments for physicians' services).

(P) Section 450C (relating to authorization of reimbursement for all medicare part B services furnished by Indian hospitals and clinics).

(Q) Section 452 (relating to limitation on reduction in area wage adjustment factors

under the prospective payment system for home health services).

(R) Section 455 (relating to MedPAC study on medicare payments and efficiencies in the health care system).

(S) Section 459 (relating to increase in medicare payment for certain home health services).

(T) Section 601 (Increase in medicaid DSH allotments for fiscal years 2004 and 2005).

(4) The House insist upon the following provisions of the House bill:

(A) Section 402 (relating to immediate establishment of uniform standardized amount in rural and small urban areas).

(B) Section 403 (relating to establishment of essential rural hospital classification).

(C) Subsections (a), (b), (d), and (e) of section 405 (relating to improvements to critical access hospital program).

(D) Section 416 (relating to revision of labor-related share of hospital inpatient pps wage index).

(E) Section 417 (relating to medicare incentive payment program improvements).

(F) Section 504 (relating to wage index classification reform).

(G) Section 601 (relating to revision of updates for physician services).

(H) Section 1001 (relating to medicaid disproportionate share hospital (DSH) payments).

#### ANNOUNCEMENT OF INTENTION TO OFFER MOTION TO INSTRUCT CONFEREES ON H.R. 1308, TAX RELIEF, SIMPLIFICATION, AND EQUITY ACT OF 2003

Mr. PALLONE. Mr. Speaker, subject to rule XXII, clause 7(c), I hereby announce my intention to offer a motion to instruct on H.R. 1308, the Tax Relief, Simplification, and Equity Act of 2003.

The form of the motion is as follows:

Mr. PALLONE moves that the managers on the part of the House in the conference on the disagreeing votes of the two Houses on the House amendment to the Senate amendment to H.R. 1308 be instructed as follows:

1. The House conferees shall be instructed to include in the conference report the provision of the Senate amendment (not included in the House amendment) that provides immediate payments to taxpayers receiving an additional credit by reason of the bill in the same manner as other taxpayers were entitled to immediate payments under the Jobs and Growth Tax Relief Reconciliation Act of 2003.

2. The House conferees shall be instructed to include in the conference report the provision of the Senate amendment (not included in the House amendment) that provides families of military personnel serving in Iraq, Afghanistan, and other combat zones a child credit based on the earnings of the individuals serving in the combat zone.

3. The House conferees shall be instructed to include in the conference report all of the other provisions of the Senate amendment and shall not report back a conference report that includes additional tax benefits not offset by other provisions.

4. To the maximum extent possible within the scope of conference, the House conferees shall be instructed to include in the conference report other tax benefits for military personnel and the families of the astronauts who died in the *Columbia* disaster.

5. The House conferees shall, as soon as practicable after the adoption of this motion, meet in open session with the Senate conferees and the House conferees shall file a conference report consistent with the preceding provisions of this instruction, not